

**Planning Commission Public Hearing: January 25, 2018**

60 Executive Secretary: George M. Homewood, FAICP, CFM *GMH*

Planner: Susan Pollock Hart, CFM

Staff Report	Item No. 7	
Address	429 Granby Street	
Applicant	Enjoy 429, LLC	
Request	Special Exception	Eating and drinking establishment
Property Owner	Growing Norfolk, LLC	
Site Characteristics	Building/Suite Area	4,991. ft./1,459 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use District) and HO-D (Downtown Historic Overlay District)
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-3: Office building, Prince Ink
	East	D-3: Vacant lot, Domino's Pizza
	South	D-3: Office building, Granby Theater
	West	D-3: Residential



**A. Summary of Request**

- The site is located Downtown on west side of Granby Street between West Freemason and West Charlotte Streets.
- Granting this request will allow a new operator to serve alcoholic beverages for on-premises consumption to its patrons.

**B. Plan Consistency**

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Downtown.

**C. Zoning Analysis**

**i. General**

- The site is zoned D-3 and Downtown Historic Overlay (HO-D) districts, which permit this use by Special Exception.
- The site is surrounded by a mix of commercial, office, and residential uses.
- This site is located in the front portion of 429 Granby Street and was formerly operated as Field Guide, an eating and drinking establishment.
- Field Guide will be closing and Enjoy 429, LLC will be the new owner/operator of the site.
- Grow, Inc., operates in the space located to the rear of the building as well as in the building directly to the south at 427 Granby Street.
- Grow has indicated that they will use the front space at 429 Granby Street when needed for office use and Enjoy 429, LLC will operate an eating and drinking establishment and allow various 'pop-up' restaurants to use the space at other times.

	Current (Field Guide)	Proposed (Enjoy 429, LLC)
Hours of Operation and for the Sale of Alcoholic Beverages	7:00 a.m. until 2:00 a.m., Seven days a week	11:00 a.m. until 2:00 a.m., Seven days a week
Capacity	<ul style="list-style-type: none"><li>• 40 seats indoors</li><li>• 0 seats outdoors</li><li>• 49 total capacity</li></ul>	<ul style="list-style-type: none"><li>• 46 seats indoors</li><li>• 0 seats outdoors</li><li>• 49 total capacity</li></ul>

**ii. Parking**

The site is located within the D-3 zoning district, which does not require off-street parking.

**iii. Flood Zone**

The property is located in the X (Shaded) Flood Zone, which is a low-to-moderate-risk flood zone.

**D. Transportation Impacts**

- Institute of Transportation Engineers figures estimate that this restaurant will generate 24 additional vehicle trips per day by increasing total indoor seating this location by 5 seats above currently approved levels.
- Granby Street adjacent to the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit services with Hampton Roads Transit bus routes 1 (Granby) and 3 (Chesapeake) operating near the site and light rail available at the nearby Monticello station.
- Granby Street near to the site is an identified priority corridor in *The City of Norfolk Bicycle and Pedestrian Strategic Plan*.

**E. Historic Resources Impacts**

- The site is located within the Downtown Historic Overlay District and is a noncontributing structure.
  - Any modifications to the exterior of the building are subject to Architectural Review Board approval of a Certificate of Appropriateness.

**F. Public Schools Impacts**

According to the *Existing ABC Establishments and Norfolk Public Schools Proximity Map* (see attached), the proposed property is within 1,000 feet of The Governor's School for the Arts.

**G. Environmental Impacts**

There are no opportunities for landscaping or stormwater management improvements for this site.

**H. AICUZ Impacts**

N/A

**I. Impact on Surrounding Area/Site**

By requiring this use to conform to the conditions listed below, the proposal should not have a negative effect on the surrounding neighborhood.

**J. Payment of Taxes**

The owner of the property is current on all taxes.

**K. Civic League**

Notice was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on December 22.

**L. Communication Outreach/Notification**

- Legal notice was posted on the property on December 12.
- Letters were mailed to all property owners within 300 feet of the property on January 11.
- Legal notification was placed in *The Virginian-Pilot* on January 11 and January 18.

#### **M. Recommendation**

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 9:00 a.m. until 2:00 a.m.
- (b) The seating for the establishment shall not exceed 46 seats indoors, 0 seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (f) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (g) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (h) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the

premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (i) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (j) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (k) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (l) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (n) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

**Attachments:**

General standards and considerations for special exception uses  
Overview map  
Location map  
Zoning map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notification list of all property owners within 300 feet of the site

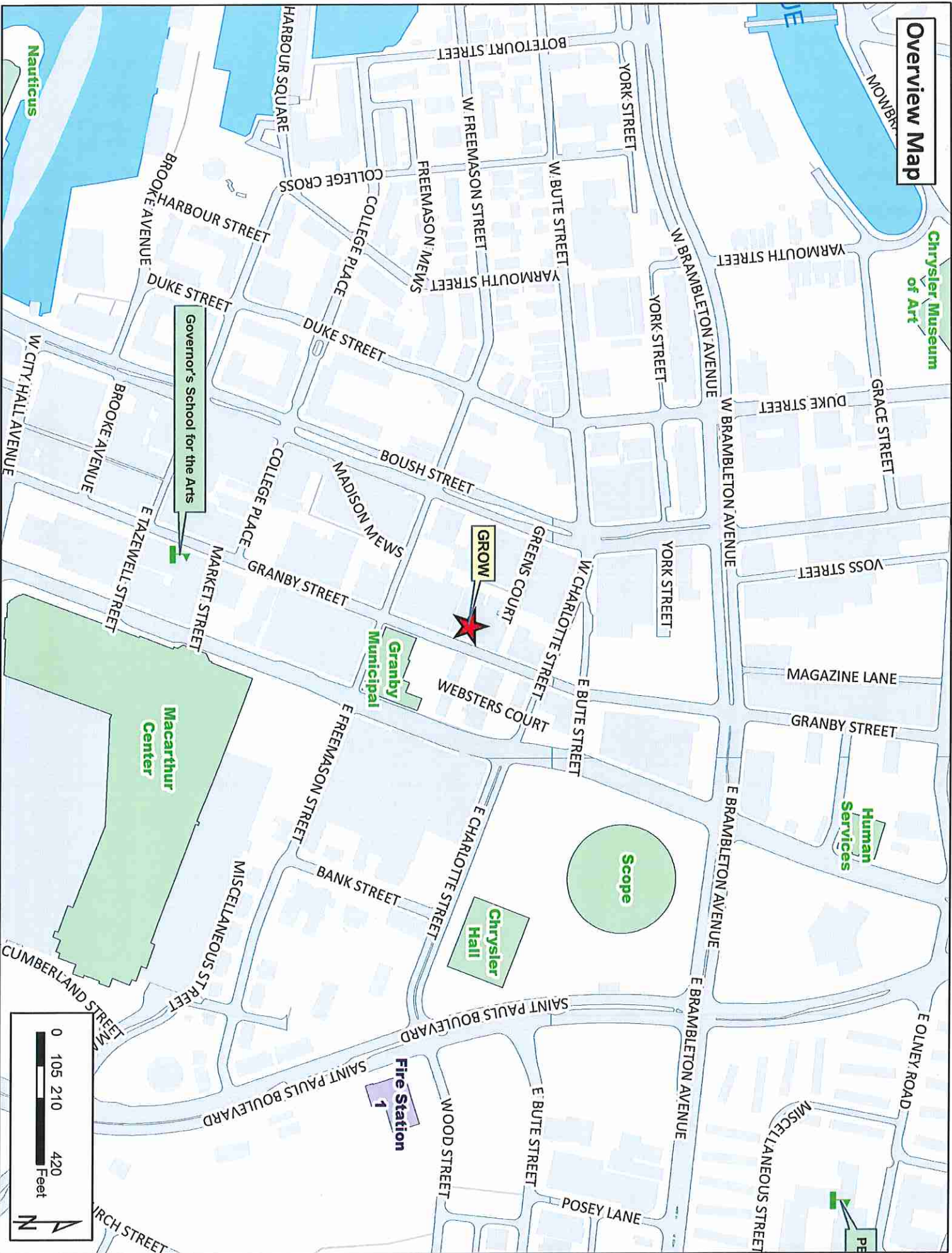
Notice to the Downtown Norfolk Civic League and Downtown Norfolk Council

## **25-7 - General standards and considerations for special exception uses.**

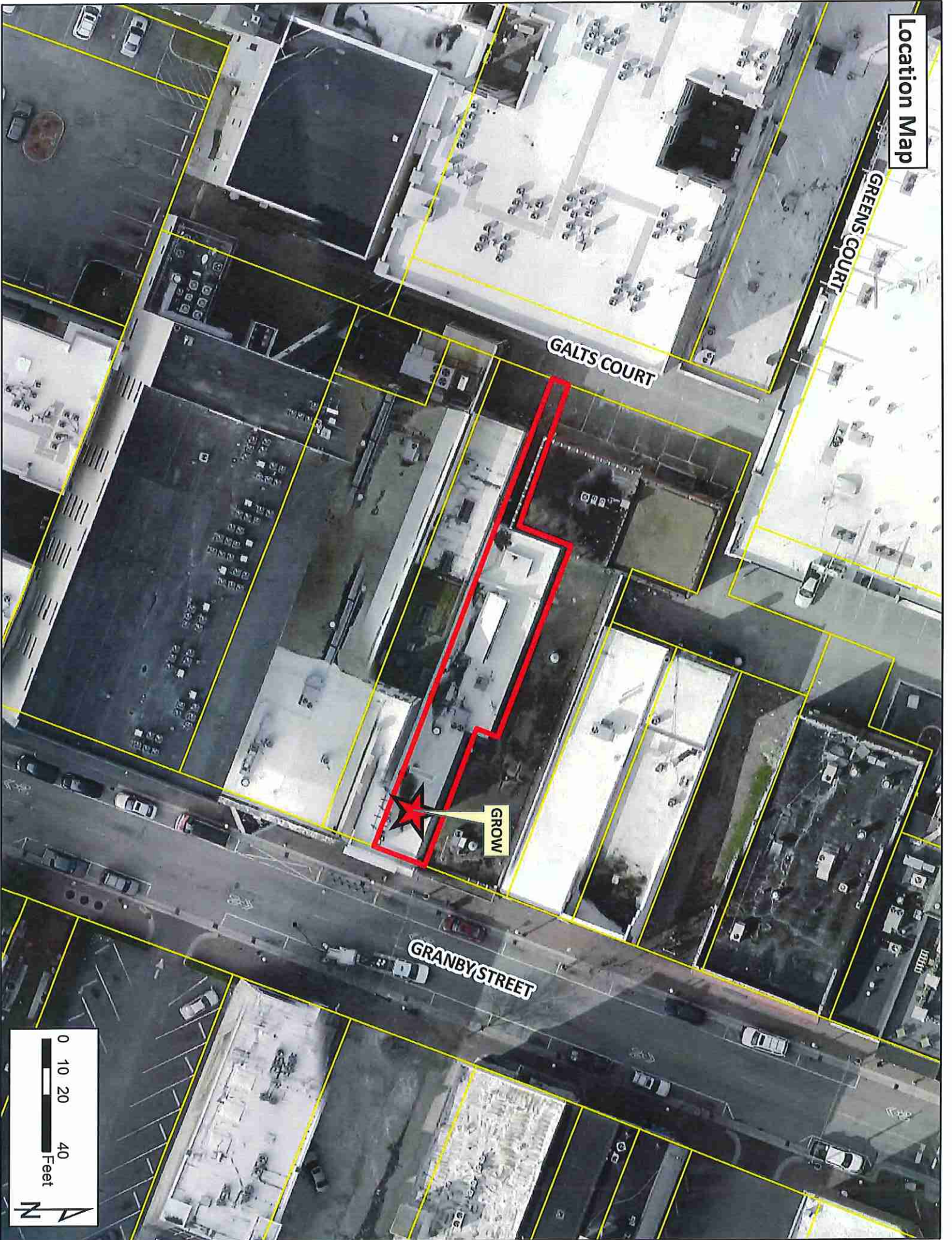
No application for a special exception shall be approved unless the city council, after review of the recommendation of the planning commission, shall determine that the proposed special exception use is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the special standards for specific uses. No application for a special exception shall be recommended or granted pursuant to this chapter unless the application is determined to be in compliance with the following:

- 25-7.1 *Compliance with ordinance and district purposes.* The proposed use and development will be in harmony with the objectives and policies of the adopted general plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established.
- 25-7.2 *No substantial impairment of property value.* The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- 25-7.3 *No undue adverse impact.* The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts.
- 25-7.4 *No interference with surrounding development.* The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
- 25-7.5 *Adequate public facilities.* The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools.
- 25-7.6 *No traffic congestion.* The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
- 25-7.7 *No destruction of significant features.* The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- 25-7.8 *No pollution of environment.* The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated.
- 25-7.9 *No negative cumulative effect.* The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole.
- 25-7.10 *Compliance with standards.* The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use.
- 25-7.11 *Payment of real estate taxes.* No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

# Overview Map



Location Map



GREENS COURT

GALTS COURT

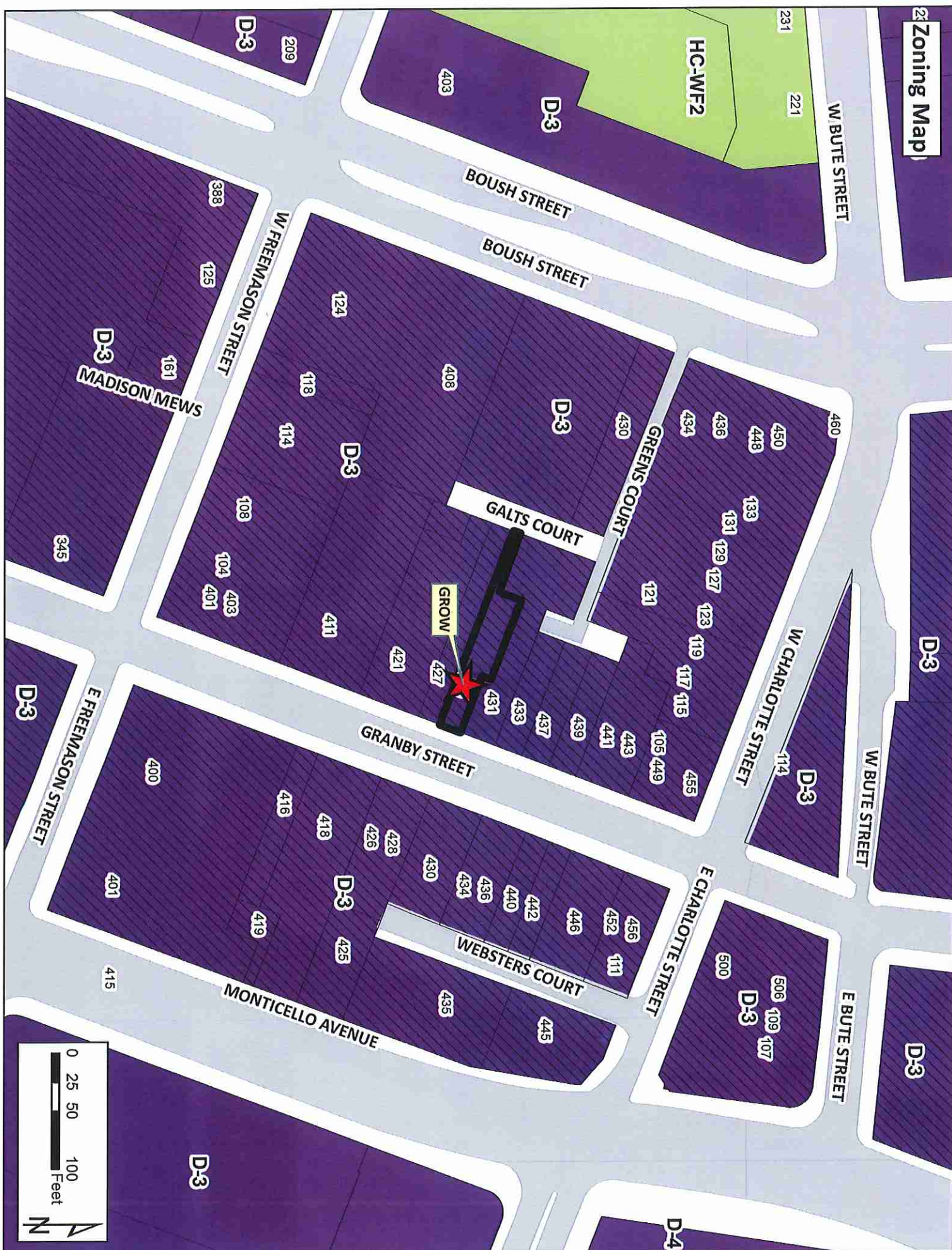
GROW

GRANBY STREET

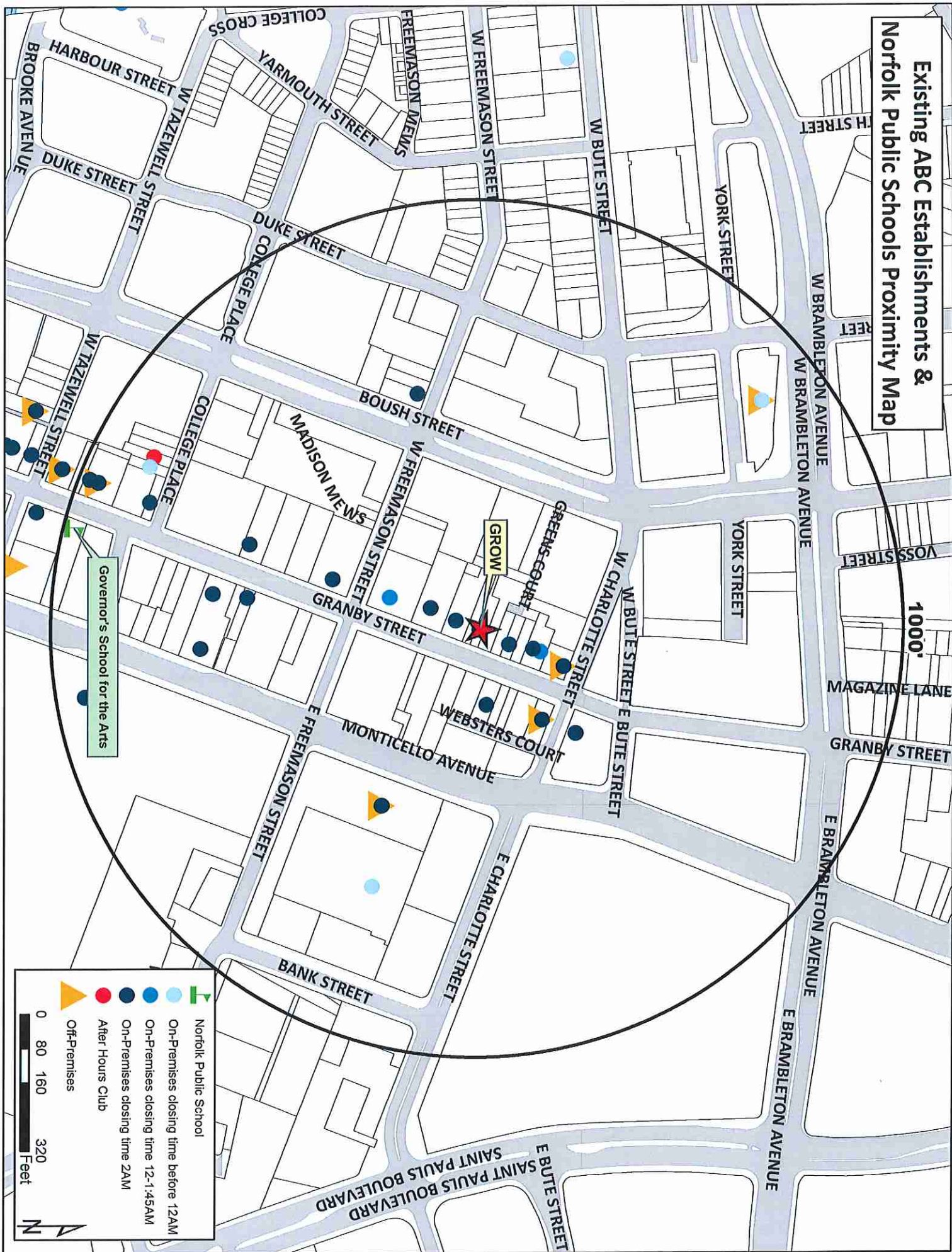
0 10 20 40 Feet



## Zoning Map



# Existing ABC Establishments & Norfolk Public Schools Proximity Map





**APPLICATION  
ADULT USE SPECIAL EXCEPTION  
EATING AND DRINKING ESTABLISHMENT**

(Please print)

Date \_\_\_\_\_

**DESCRIPTION OF PROPERTY**

Address 429 Granby Street, Norfolk, VA 23510

Existing Use of Property Restaurant

Proposed Use Pop-up restaurant

Current Building Square Footage \_\_\_\_\_

Proposed Building Square Footage \_\_\_\_\_

Trade Name of Business (if applicable) Enjoy 429, LLC.

**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Enjoy 429, LLC  
1. Name of applicant: (Last) Ungersky (First) Andrew (MI) P

Mailing address of applicant (Street/P.O. Box): 429 Granby St

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 431-7713 Fax ( ) \_\_\_\_\_

E-mail address of applicant: drew@thisisgrow.com

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised September, 2015)

**Application  
Eating and Drinking Establishment  
Page 2**

**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (MI) \_\_\_\_\_

Mailing address of applicant (Street/P.O. Box): \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

Daytime telephone number of applicant ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail address of applicant: \_\_\_\_\_

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Ungvásky (First) Drew (MI) P

Mailing address of property owner (Street/P.O. box): 427 Cranby St.

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 431-7713 email: drew@thisisgrow.com

**CIVIC LEAGUE INFORMATION**

Civic League contact: \_\_\_\_\_

Date(s) contacted: \_\_\_\_\_

Ward/Super Ward information: \_\_\_\_\_

**Application  
Eating and Drinking Establishment  
Page 3**

**REQUIRED ATTACHMENTS**

- Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

**CERTIFICATION**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Drew Ungarsky Sign: [Signature] 12 / 4 / 17  
(Property Owner) (Date)

Print name: Drew Ungarsky Sign: [Signature] 12 / 4 / 17  
(Applicant) (Date)

**ONLY NEEDED IF APPLICABLE:**

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Authorized Agent Signature) (Date)



**EXHIBIT "A"**  
**Description of Operations**  
**Eating and Drinking Establishment**

Date 12/4/17

Trade name of business \_\_\_\_\_

Address of business 429 Granby Street, Norfolk, VA 23510

Name(s) of business owner(s)\* Drew Ungarsky

Name(s) of property owner(s)\* Drew Ungarsky

Daytime telephone number (757) 431-7713

\*If business or property owner is partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

**1. Proposed Hours of Operation:**

<u>Facility</u>	<u>Alcoholic Beverage Sales</u>
Weekday From <u>9am</u> To <u>2am</u>	Weekday From <u>9am</u> To <u>2am</u>
Friday From <u>9am</u> To <u>2am</u>	Friday From <u>9am</u> To <u>2am</u>
Saturday From <u>9am</u> To <u>2am</u>	Saturday From <u>9am</u> To <u>2am</u>
Sunday From <u>9am</u> To <u>2am</u>	Sunday From <u>9am</u> To <u>2am</u>

**2. Type of ABC license applied for (check all applicable boxes)**

☒ On-Premises      ☐ Off-Premises (additional application required)

**3. Type of alcoholic beverage applied for**

☒ Beer      ☒ Wine      ☒ Mixed Beverage

**4. Will indoor or outdoor entertainment be provided?**

(Entertainment consists of anything more than one, unamplified musician)

Yes (Different application required)      ☒ No

**Exhibit A – Page 2**  
**Eating and Drinking Establishment**

5. Will video games, pool tables, game boards or other types of games be provided?  
Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

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6. Will patrons ever be charged to enter the establishment?  
Yes ☒ No

6a. If yes, why

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- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?  
☒ Yes No

7a. If yes, explain

could be used for private functions, community  
& nonprofit events.

8. Will a third party (promoter) be permitted to lease, let or use the establishment?  
☒ Yes No

8a. If yes, explain

also nonprofit

9. Will there ever be a minimum age limit?  
Yes ☒ No

**Exhibit A – Page 3**

## **Eating and Drinking Establishment**

**10. Additional comments/ description/operational characteristics or prior experience:**

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**Note:** If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

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**Signature of Applicant**

**Exhibit A – Floor Plan(s) Worksheet  
Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

**Total capacity**

**a. Indoor**

Number of seats (not including bar seats)

46

Number of bar seats

—

Standing room

—

**b. Outdoor**

Number of seats

—

**c. Number of employees**

43

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 49

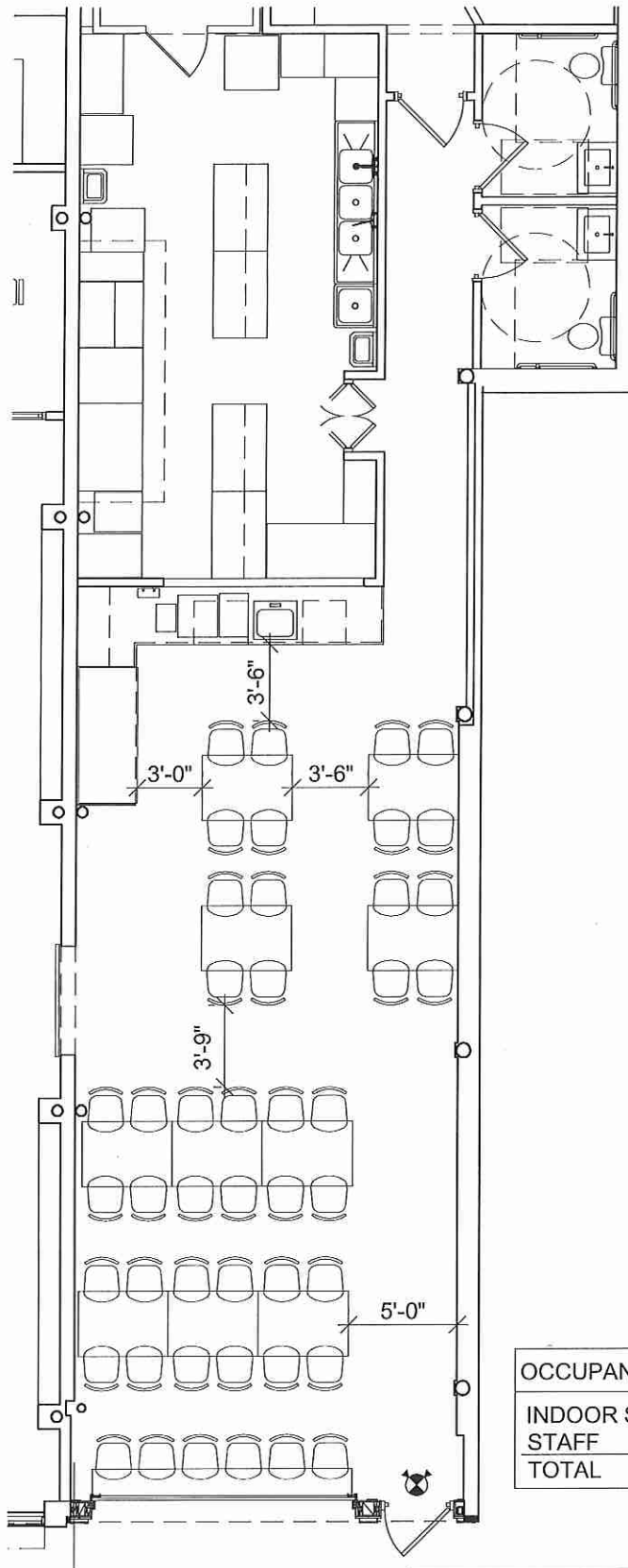
**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

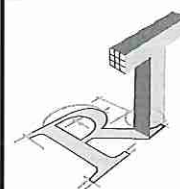
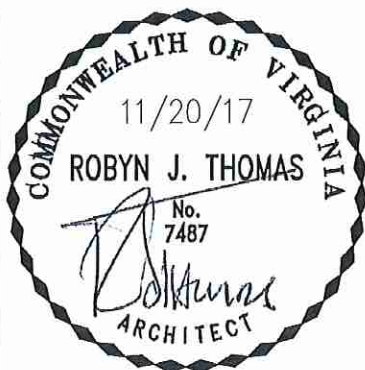
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised September, 2015)



OCCUPANCY CALCULATIONS	
INDOOR SEATS	46
STAFF	3
TOTAL	49



**ROBYN THOMAS  
ARCHITECTURE**  
913 W. 21st Street, Suite C  
Norfolk, VA 23517  
Ofc: 757.622.7100  
Fax: 757.640.1014

1 OF 1 11/20/17 DATE	SK1
17-033 COMM. NO.	
DRAWN KWG	
CHECKED RJT	

## Pollock, Susan

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**From:** Williams, Sherri  
**Sent:** Friday, December 22, 2017 10:08 AM  
**To:** 'dncl@welovenorfolk.org'  
**Cc:** Whibley, Terry; McClellan, Andria; Johnson, Michelle S; Pollock, Susan  
**Subject:** New Planning Commission Application-429 Granby Street  
**Attachments:** Application - Eating & Drinking.pdf

Mr./Mrs.

Attached please find the following application tentatively scheduled to be heard at the January 25, 2018 Planning Commission public hearing:

**GROW**, for a special exception to operate an eating and drinking establishment at 429 Granby Street.

The purpose of this request is to allow for an existing business, Grow, to operate office space and a restaurant with on-premises alcohol sales in the space formerly occupied by Field Guide.

*Staff contact: Susan Pollock at (757) 664-4765, [susan.pollock@norfolk.gov](mailto:susan.pollock@norfolk.gov)*

Thank You

Sherri Williams  
Support Technician

 **THE CITY OF  
NORFOLK**  
Planning Department  
810 Union Street, 5<sup>th</sup> Floor  
Norfolk, VA 23510  
757-664-4774

Connect with us:  
[www.norfolk.gov](http://www.norfolk.gov)

